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many topics are dealt with, and there was much diversity in the customary law of the various towns. The reader will be struck by the survival of many archaic usages and old legal principles in the boroughs, such as the blood-feud, extrajudicial distress, compurgation, various barbarous forms of punishment such as drowning, burial alive and burning, and the requirement that the prosecutor or appellant should act as executioner. Writers are often inclined to exaggerate the progressive spirit of the medieval municipalities, but in some respects municipal custom was much more conservative than the common law. This volume is particularly rich in new material relating to the older modes of proof and to the attitude of the burgesses toward judicial combat and trial by jury. In the interesting section concerning the assize of fresh force the editor surmises that the forty weeks named in the London Liber Albus as the limit of time within which this action may be brought is a mistake for forty days; but the period of forty weeks is again mentioned in Letter Book C (ed. Sharpe, p. 146), and the same period seems to have been recognized by the customs of Oxford (Jenks, Reports 21), which were modelled after those of London. The only extract relating to the writ *ex gravi querela* is taken from a customal of Lincoln (1480); references to passages of much earlier date will be found in 18 HARV. L. REV. 130.

It is difficult, however, to discover omissions or flaws in Miss Bateson's work; she is a thoroughly competent editor; her industry, learning, and remarkable knowledge of the sources of municipal history deserve the highest praise. We look forward with interest to the publication of the second volume, in the introduction of which she proposes to inquire into the significance of the texts which she is editing.

C. G.

STUDIES IN BIBLICAL LAW. By Harold M. Wiener. London: David Nutt. 1904. pp. xi, 128. 8vo.

So slight has been the direct influence of the code of the Pentateuch upon the development of our law, despite the intensely Puritan movement that swept over the English race in the seventeenth century, that Mr. Wiener's book, though written from a lawyer's point of view, is of more interest to the layman than to the law student. It is an "attempt to apply the ordinary methods of legal study to the solution of Biblical problems," and, despite the taint of the professional fallacy that only lawyers can reason, is both novel and interesting.

The first part of this little volume is devoted to a vigorous, if not potent, criticism of the higher criticism of the Bible, in which Ewald, Renan, and Driver are "refuted" to the author's satisfaction. The method employed is an ingenious and skillful application of the principles of legal interpretation to texts in apparent conflict, and the results are at least more plausible than those usually obtained by such as seek to reconcile scientific theorizing and Biblical exegesis.

Of greater interest is Mr. Wiener's theory that the covenant at Sinai is a religious treaty, drawn up with all the technical formalities of early Hebrew contracts. When Jacob and Laban enter into a pillar-covenant at Galeed, the attending formalities are a pillar, and a heap of stones as "witnesses," an oath, sacrifices, and feasts. Similarly, at Sinai, we find a bilateral agreement made with all the "covenant" formalities, — altar, and pillars as witnesses, oath, sacrifice, and feasts, — and the entire process is paralleled at the Deuteronomic repetition. The writing and stone tablets are not the vehicles for expressing the contract, but are additional "witnesses," which accords well with what is known of the primitive law of evidence, among the Franks and the Lombards.

In the chapter on the "Spirit of Legislation," the author labors to relieve the Biblical criminal code from the reproach of inhumanity frequently cast upon the *lex talionis*, by proving an implied system of fines as a permissive alternative to the literal rigor of the law. But he ignores both the Semitic ideas of justice in the tribal stage of development while still dominated by the early law of blood revenge, and the administration of justice amidst roving and warlike tribes whose laws for personal security are, of necessity, brutally strict. Compensation by payment of a fine, instead of the mutilation of the offender's person, which is found in the earliest stages of Teutonic law, is a late development

among Semitic peoples. Otherwise Mr. Wiener's defense of the Biblical code, and the comparison with the code of Hammurabi, and the Roman law, make one regret the brevity of the chapter.

I. G.

A TREATISE ON THE LAW OF WILLS, including also Gifts Causa Mortis, and a Summary of the Law of Descent, Distribution, and Administration. By John R. Rood. Chicago: Callaghan & Co. 1904. pp. lxvi, 635. 8vo.

The body of this work is made up of four principal titles, "Gifts Causa Mortis," "Wills," "Descent and Distribution," and "Administration of Estates." The subject of wills, which occupies more than two-thirds of the text, is treated at length, and includes a somewhat detailed discussion of construction. The other topics are more briefly treated, presenting broad outlines of the subjects discussed, without entering into a minute study of the complications which arise in practice. The historical matter incorporated, the space devoted to introductions, and the constant repetition of the analytical scheme of the book, seem to indicate, in so condensed a treatise, that the writer is addressing the student rather than the practitioner. Though at times verbose, he has covered the details more fully than the available space would lead one to expect. The citations are mainly confined to leading cases, and this results in an unusually large proportion of English authorities. On important points, the summaries of statutes and decisions in the various states seem careful and complete. The practice of citing on each point the annotations which are to be found in standard collections of cases will prove useful. Although the author, in discussing some well-known points of conflict, seems a trifle overconfident as to the weight of authority, the tone of the book is conservative. It can claim no especial distinction for originality, but its scope is broad enough, and its treatment sufficiently reliable, to make it a very useful practical handbook.

AN OUTLINE OF MUNICIPAL GOVERNMENT IN THE CITY OF NEW YORK. By George Arthur Ingalls. Albany, N. Y.: Matthew Bender, 1904. pp. 79. 16mo.

The municipal government of Greater New York has such manifold and intricate features that Mr. Ingalls has, perhaps, rendered some service in presenting, through a hasty but rather compendious survey, its important parts. A concise exposition of the political position of the city in the state government is followed by a detailed summary of the powers, duties, etc., of the various branches and departments of the city administration. This little book will relieve the ordinary person, in search of information, from turning to the repellant bulky volume containing the New York Charter, but its sketchy outline is hardly intended for the practitioner. A dealing with the numerous legal questions which constantly arise with reference to the charter was foreign to the modest purpose of this volume.

VENEZUELAN ARBITRATIONS of 1903, including protocols, personnel and rules of commissions, opinions, and summary of awards, with appendix containing Venezuelan Yellow Book of 1903, Bowen Pamphlet entitled "Venezuelan Protocols," and "Preferential Question," Hague decision, with history of recent Venezuelan Revolutions. Prepared by Jackson H. Ralston and W. T. Sherman Doyle. Washington: Government Printing Office. 1904. pp. xxviii, 1105. 8vo.

THE DICTIONARY OF LEGAL QUOTATIONS; or, Selected Dicta of English Chancellors and Judges from Earliest Periods to the Present Time. Extracted mainly from reported decisions, and embracing many epigrams and quaint sayings. With explanatory notes and references. By James William Norton-Kyshe. London: Sweet and Maxwell, Limited. 1904. pp. xxi, 344. 8vo.